

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference <b>P-2-PCT</b>	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. <b>PCT/US2005/001665</b>	International filing date ( <i>day/month/year</i> ) <b>18 January 2005 (18.01.2005)</b>	Priority date ( <i>day/month/year</i> ) <b>16 January 2004 (16.01.2004)</b>
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant <b>HEYN, William, M.</b>		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report <b>17 July 2006 (17.07.2006)</b></p> <p>Authorized officer <b>Dorothée Mülhausen</b></p> <p>e-mail: pt01@wipo.int</p>
--	--

**PATENT COOPERATION TREATY**

From the  
**INTERNATIONAL SEARCHING AUTHORITY**

REC'D 08 JUN 2005

WIPO

PCT

**PCT**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year) <b>06 JUN 2005</b>
Applicant's or agent's file reference  <b>P-2-PCT</b>		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No.  <b>PCT/US05/01665</b>	International filing date (day/month/year)  <b>18 January 2005 (18.01.2005)</b>	Priority date (day/month/year)  <b>16 January 2004 (16.01.2004)</b>
International Patent Classification (IPC) or both national classification and IPC  <b>IPC(7): B65D 51/18 and US Cl.: 220/256.1, 258.1, 359.1</b>		
Applicant  <b>HEYN, WILLIAM M</b>		

**1. This opinion contains indications relating to the following items:**

- |                                     |                     |  |
|-------------------------------------|---------------------|--|
| <input checked="" type="checkbox"/> | <b>Box No. I</b>    | Basis of the opinion   |
| <input type="checkbox"/>            | <b>Box No. II</b>   | Priority   |
| <input type="checkbox"/>            | <b>Box No. III</b>  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | <b>Box No. IV</b>   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | <b>Box No. V</b>    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | <b>Box No. VI</b>   | Certain documents cited  |
| <input type="checkbox"/>            | <b>Box No. VII</b>  | Certain defects in the international application   |
| <input checked="" type="checkbox"/> | <b>Box No. VIII</b> | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/ US  Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450  Facsimile No. (703) 305-3230	Authorized officer  <i>Maurice Newhouse</i> Nathan J. Newhouse  Telephone No. (703)-308-1148
--	---

Form PCT/ISA/237 (cover sheet) (January 2004)

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/01665

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material  
 in written format  
 in computer readable form
  - c. time of filing/furnishing  
 contained in international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US05/01665

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-5</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-5</u>	NO
Industrial applicability (IA)	Claims <u>1-5</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and explanations:**

Claim 1 lacks novelty under PCT Article 33(2) as being anticipated by Berney (US 4,856,674). Berney discloses an overcap (15) having a central portion (16,17), a peripheral skirt (20) to fit over an end panel (13) that is heat sealed to a container (10).

Claims 1-5 lack novelty under PCT Article 33(2) as being anticipated by Allen (US 4,697,719). Allen discloses an overcap (10) having concentric annular rings (27) to apply pressure on an end panel (20) that is heat sealed (26) to a container (13).

Claims 1-5 lack novelty under PCT Article 33(2) as being anticipated by Boatwright et al. (US 2002/0190111). Boatwright et al. discloses an overcap (30) having a skirt portion (34) to cover an end panel (20) that is heat sealed to a container (10). See paragraph #32. With respect to claims 2-4, see figure 7 and corresponding description. With respect to claim 5, see paragraph #34.

Claims 1-4 lack novelty under PCT Article 33(2) as being anticipated by Lowry (US 6,220,471). Lowry discloses an overcap (20) with a peripheral skirt (23) for fitting over an end panel (19) that is heat sealed (col. 3, lines 28-37) to a container (10). The central portion of the overcap has an annular ring means, ring member or depending means (25).

Claim 5 lacks an inventive step under PCT Article 33(3) as being obvious over Lowry (US 6,220,471) in view of Boatwright et al. (US 2002/0190111). Lowry discloses everything except for the depending means comprising leg members. Boatwright et al. discloses depending means that may be multiple leg members. (see paragraph #34) It would have been obvious to one of ordinary skill in the art to utilize multiple leg members as taught by Boatwright et al. as the depending means of Lowry to provide better pressure on the end panel.

Claims 1-5 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/01665

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 2-5 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 2-4 indefinite for the following reason(s): in claim 2, applicant sets forth "annular ring means"; in claim 3, applicant sets forth "at least one ring member" and in claim 4, applicant sets forth "depending means"; but it would appear that each of these elements is the same structure.

PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 08 JUN 2005

WIPO

PCT

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year)	<b>06 JUN 2005</b>
-------------------------------------	--------------------

Applicant's or agent's file reference	FOR FURTHER ACTION See paragraph 2 below
---------------------------------------	---

P-2-PCT	International application No.	International filing date (day/month/year)	Priority date (day/month/year)
	PCT/US05/01665	18 January 2005 (18.01.2005)	16 January 2004 (16.01.2004)

International Patent Classification (IPC) or both national classification and IPC
---

IPC(7): B65D 51/18 and US Cl.: 220/256.1, 258.1, 359.1
--

Applicant
-----------

HEYN, WILLIAM M
-----------------

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply, together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450  Facsimile No. (703) 305-3230	Authorized officer  Nathan J. Newhouse  Telephone No. (703)-308-1148
--	--

Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/01665

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material  
 in written format  
 in computer readable form
  - c. time of filing/furnishing  
 contained in international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US05/01665

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-5</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-5</u>	NO
Industrial applicability (IA)	Claims <u>1-5</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and explanations:**

Claim 1 lacks novelty under PCT Article 33(2) as being anticipated by Berney (US 4,856,674). Berney discloses an overcap (15) having a central portion (16,17), a peripheral skirt (20) to fit over an end panel (13) that is heat sealed to a container (10).

Claims 1-5 lack novelty under PCT Article 33(2) as being anticipated by Allen (US 4,697,719). Allen discloses an overcap (10) having concentric annular rings (27) to apply pressure on an end panel (20) that is heat sealed (26) to a container (13).

Claims 1-5 lack novelty under PCT Article 33(2) as being anticipated by Boatwright et al. (US 2002/0190111). Boatwright et al. discloses an overcap (30) having a skirt portion (34) to cover an end panel (20) that is heat sealed to a container (10). See paragraph #32. With respect to claims 2-4, see figure 7 and corresponding description. With respect to claim 5, see paragraph #34.

Claims 1-4 lack novelty under PCT Article 33(2) as being anticipated by Lowry (US 6,220,471). Lowry discloses an overcap (20) with a peripheral skirt (23) for fitting over an end panel (19) that is heat sealed (col. 3, lines 28-37) to a container (10). The central portion of the overcap has an annular ring means, ring member or depending means (25).

Claim 5 lacks an inventive step under PCT Article 33(3) as being obvious over Lowry (US 6,220,471) in view of Boatwright et al. (US 2002/0190111). Lowry discloses everything except for the depending means comprising leg members. Boatwright et al. discloses depending means that may be multiple leg members. (see paragraph #34) It would have been obvious to one of ordinary skill in the art to utilize multiple leg members as taught by Boatwright et al. as the depending means of Lowry to provide better pressure on the end panel.

Claims 1-5 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/01665

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 2-5 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 2-4 indefinite for the following reason(s): in claim 2, applicant sets forth "annular ring means"; in claim 3, applicant sets forth "at least one ring member" and in claim 4, applicant sets forth "depending means"; but it would appear that each of these elements is the same structure.